THE BAR ASSOCIATION

OF THE STATE IN ANNUAL SESSION.

Proceedings of the First Day's Session-Masterful Address by President Folkes.

REPORTS ON LAW REFORM AND JUDICIAL PROCEDURE.

Scholarly and Thoughtful Paper by Judge Rose, of Arkansas, on the Necessity for Codification.

The Tennessee State Bar Association met in the United States courtroom of the Federal Building yesterday at 10 o'clock a.m., W. C. Folkes in the chair, J. W. Bonner, secretary. The following members answered the roll call:

oll call:

W Bonner, Nahville J C Bradford, Nahville
M T Hryan, Nahville W C Caldwell, Trnton
W A Callin, Memphis L P Cooper, Memohis
N Cox, Franklin Holmas Cummins, Mem
hos L Dodd, Nahville J J Dullose, Me phis
T Edmonson, Mem H T Ellett, Memphis
M Estes, Mamphis W S Flippin, Mem
I D Fraysor, Mem J M Gregory, Mem
S Hammond, Mem T E Harwood, Trnton
W Heiskell, Mem John F House, Glarksv
I F Jackson, Naahvie J W Judd, Springfield
H Lauderdisle, Corm M A Lowe, Tiptonville
I H Lurton, C arksv L B McFarland, Mem
S Mallory, Jackson W A Milliken, Nashv
I Morgan, Memphis T L Moseley, Konton
VW Murrug, Hunt'n M Neil, Trenton
Perkins, Hemphis W M Randolph, Mem
Ruhm, Nashville
M Smith, Mem J L T Sneed, Mem
I B Tresovant, Mem
I T Tsneed, Mem
I B Tresovant, Mem
W Yenne, Hunt'n J W E Moore, Browny
After the roll call the reading of the

After the roll call the reading of the previous meeting was, on motion, disspensed with and the president of the association, the Hon. W C. Folkes delivered his annual address, sa fol-

The President's Address Gentlemen of the Bar Association of Ten-

Article XIII of your cors'itution provides that the president shall open each annual meeting of the association with an address, in which he shall communicate the most noteworthy changes in the statute law on ints of general interest made in the State and by Congress during the preceding year.

LEGISLATION. Fortunetely for your Pres'dent, and penhaps fortunately for the State, there has been no session of the Legislature

since our last annual meeting.
The Congress of the United States, however, has of course been in session but very little of general interest has

bren enacted by that body.

Many quest one of much pith and moment, and of great public concern. have been discussed and considered during this term of Congress; but upon examination it is surprising to find that very little has been enacted into

PRESIDENTIAL SUCCESSION.

Of the laws passed, the first in time, as also in importance, is an "Act to provide for the performance of the office of President, in case of the death, removal, or inab lity of both President and VicePresident." Approved Jan-

By this act, in such an emergency, the duties of the Chief Executive are devolved upon the Secretary of State, or if there be none, or in case of his removal, death, resignation or inablifty, then the Secretary of the Tressury; and upon like insbility, then the Secretary of War; and upon his inability, then the Attorney General; and upon his inability, then the Postmaster Genera': and ppon his inability, then the Secretary of Navy; then on like conditions the Secretary of the Interior shall act as President until the inshifty of the President and Vice President is removed or a President shall be elected.

It is provided that whenever the powers and duties of the office of the President shall devolve upon any of the persons named herein, if Congress be not in sersion, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person, upon whom said powers and duties shall devolve, to issue a proclamation convening Congress in extraordinary session, giving twen'y days' notice of the time of

Section 2 provides that the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Sanate for the offices therein named, and such as are eligible to the office of President nder the Constitution, and not under impeachment by the House of Representatives at the time the powers and duties of the office shall devalve upo them respectively.

Se t'on 3 reje s sections 146, 147, 148, 149, 150 of the Revised Statutes. The pusage of this act has greatly relieved the public mind in relation to a question that recent history has made qu'te prominent.

It is believed that the National Leg slature has reached a wise solu-tion, and it is to be hoped that this new law may never have occasion for its enforcement, certainly not by reason of such tragic events as gave rise to its pra age.

AMERICAN BHIPPING.

We are glad to note the passage of an act concerning American shipping, which, while it may not at once give us a place amongst the nations of the world so far as our mercantile marine concerned, yet is a step, though a modest one, in that direction, It is entitled an "Act to provide

for an American register for the steamship Caroline Miller, of Balti-more, Md." Approved March 13,

It provides that the Commissioner of Navigation is authorized to cause the fereign built steamship Caroline Miller, owned at the port of Bal i more by F. C. Miller, and rebuilt by him at Baltimore, Md., to be registered by him as a vessel of the United States.

As showing that the good work goe on, we find a similar act, approved March 18, 1886, entitled an "Act to provide for an American register for the steamship Ozama," of New York Oity, and thus the foreign built steam-ship owned at the port of New York Wm. P. Clyde, is registered at a vessel of the United States.

This is all the legislation coresraing our shipping, and when the character of our navy and marine interest gonerally la considerad, it is encouraging know that Congress has done so

MISCELLANROUS BILLS. We also find an "Act to increase the

ensions of widows and dependent retives of decassad soldiers and sail-

d an "Act to provide a national ency second by a pledge of United bonds, and to provide for the

circulation and redemption thereof,

Also an act to authorize the Secretary of the Treasury to deliver to the rightful owner the contents of certain box's deposited in the Treasury vaults by the Secretary of War.

This act authorizes the restoration to the proper claimants of any silverware, jewelry, portraits, wat h s or other property captured by the United States army during the war and now in possession of the United States Treasury upon proper proof of owner-

ship and identification.

Also an act, ap roved May 1st, entitled an 'Act in aid of the national

monument at P ymouth, Mess." The preamble recites that, whereas, national monument to the pilgrim fore'a hers is in process of construction at Plymouth, Mass., consisting of a central figure of faith and of four statues, representing morality, education, law and liberality, of which five the first three have siready been erected; therefore, be it enacted, etc., that the sum of \$15,000 be, and the same is, appropriated for the purpose of erecting said statue of liberty and the bas rel ef accompanying the same, under the direction of the Secretary of State. One would suppose with faith, mor-ality and education that law and liberty would follow as a matter of cour e without the aid of an appro-

priation. Congress, however, seems in this act to have provided only for the Sta ue of Liberty, leaving that of Law unpro-vided for-unless it comes under the b s relief (tar relief) accompanying the same; but some might consider it a base relief so far as the law is con-

cerned. Also an act approved May 6 to protect homestead settlers within the

limi's of railway lands.
Also an act to provide for the study of the nature of alcoholic drinks and narcotics, and their effects on the human syst-m in connection with the several divisions of the subjet of physiciogy and hygiene by the pupils in the public schools in the Perritories and the District of Columbis, and twe military and paval scademies, and Indian and colored schools in the Terri ories of the United States. This is considered a step toward temperance legisla ion by Congress that is greatly appreciated by the Pro-Congress

hibitionis .

The act leaves it in doubt, however, whether this study is to be made from books or from an attendance upon the session of Congress, as fur-nishing object lessons, after the man-

ner of the kind rgart n. There was also an act approved Febroary 20th, end led an "Act for the allowance of certain claims, reported by the accounting officer of the United States Tr asury Depar ment, wherein claims were authorized to be paid by the Sacre a y of the Transury to citizens of the State of Tenness e, mostly war claims."

There were seventy-six bills passed by Congress up to the 1st of June, all of which I have examined, and the above is all that I deem necessary or proper to call your attention to under the section of the constitution defia-

ing my duties in this regard.

The vast msj rity of bills passed re'ate to national banks, increasing or diminishing their capital stock or changing their names; to allowing bridges to be built over navigable rivers; and for the improvement and care of public bu ldings, and for the maintenance of lighthous s, etc.
Of course we have an act entit

'Act to provide for certain of the most preent deficiencies in the approprintions for the pub ic s rvice. is always understood that "no well regulated Congress" would be

complete without such a deficiency While Congress has parsed but few laws during its present session, many very important measures have been before it for consideration.

JURISDICTION OF UNITED STATES COURTS The one most nearly concerning our profession is the bill introduced by Sena'or Jackson on January 5th, read twice, and referred to the Committee on the Judiciary, entitled "A bilt to define and regulate the jurisdict on of

the courts of the United States. This bill under akes to give to Dis-trict Cour s of the United States all Circuit Court powers. It provides for the appointment of

two additional Circuit Judges in each circuit and for an appeal or writ of error, in all esses where the amount involved exceeds, exclusive of cost, the sum of \$500, from the District to the Circuit Court.

The Circuit Court to consist I the justice of the Sapreme C mrt a signed to the e rent, and of the C ca : Judges thereof, any three of whom shall con-An appeal is all w.d from District

to Circuit C n t u on an interiocutory order or certee granting or continuing and june ion if taken in thirty dive-in all cases where an appeal n d he from a final decree in such rause; the proceedings in other respect; in the District Court not to be stayed during the pendency of such appeal.

The Circuit Court retaining original juradic ion only in cases of habeas corpus, mandamus and prohibition. Any one of the Circuit Judges may hold D strict Courts in place, or in aid of the Di trict Judges, as occasion may

the Circuit Court shall have the jurisdiction in criminal causes, by writt of error to the District Court, which is now provided by law.

The judgments of the District Court in sach cases shall be subject to be reviswed only by writ of error issued out of the Supreme Court, on the al-lowance of one of the Justices thereof, for cause shown of probable error, within ninety days after the entry of such judgment; but such writ not operate as a say of proceedings ex ept in capital cases, unless it is so ordered by the Judge allowing the writ, nor of er the retusal to allow the writ by one judge shall it be allowed

by another judge.
Civil causes at law and in equity removable from a Sta e court under exby this not, may be removed into the District Court of the district in the terri orial jurisdiction of which they were commenced, in place of the Circuit Court as heretofore; but no such eaus; shall be removable on the petition of a defendant such in a State in which he resides, or of which he is a civizen, on the ground merely that the controversy is between citizens of different States; nor on the petition of a party plaintiff; nor by a corporation sued in a State in which it carries on vasiness, and in which it may on the ground that it nor by a co-poration created by a law of the United States, unless

it sets no a defense to their action or suit founded directly upon the es itut on, or a law or treaty of the United States; provided, how ver, that the right of a defendant, whether sued a one or with others, to remove the suit from the State c unten the gr und of cit zenship, shall not be fea ed if he is a citizen of a State other than that in which the plaint If, or one of the plaintiffs, if more than one, is a conceded to be a great mistor une to the terminates.

And no suit sha'l be brought in the district court in any State by a corpor-ation habitually carrying on business therein, by reason only of its being a citizen of another State, nor by a cor-poration created by law of the United States, except upon a cause of action directly founded upon the Constitution, or a law or a trea yof the United States, unless specially authorized by law to to do.

The decaion of the Circuit Court upon questions of fact shall in all cases be final and conclusive, except as otherwise provided in this section the facts to be specially found if requested by ei her party, and the ralings of the Court occurring during the trial or hearing, upon the admission or rejection of evidence, or upon its legal effect, may be brought into allowed and signed according to the practice in cases at law, and a review upon all quest one of law upon the record may be had upon writ of error or appeal, in the manner now pro-vided by law, to the Supreme Court of the United States, from every final judgment or decres of the Circuit Court, where the matter in controversy exceeds \$5000, exclusive of cost, or where the adjudica ion involves a question upon the construction of the Constitution, or the construction or validity of a treaty or a law the United States, or where the Circuit Court shall certify that the adjudication involved a legal question sufficient importance to require that the final decision thereof should be made by the Supreme Court; but in the last mentioned two cases the Cirreuit Court shall state the question arising upon the construction of the Constitut on, or the construction of the validity of such treaty or law, or the question that the adjudication involves, with the facts upon which the same artses, and such questions only shall be get ified to and finally decided by the Supreme Court; and its de cision thereon shall be enforced in like manner as is now provided by ew in cases where a question is car tified to the Supreme Coart upon which the Judges of a Circuit Court

are divided in opinion. But in patent and copyright cases in equity a review of the Supreme Court may be hed, without regard to the sum or value in dispute, upon the questions both of law and fact affecting the validity or infringement of the patent or copyright; provided, that the Circuit Court shall certify that a question is involved of sufficient importance to render it proper that the final decision thereof should be made by the Suprems C. u.t.

Such writ of error or appeal shall be sued out or taken within one year after the entry of the judgment or decree scright to be reviewed.

The Supreme Court may affirm, modify or reverse the judgment or decree brought before it for review, or it may direct a judgment or decree shall be remitted to the peoper Cresit or District Court, to be enforced ac-

cording to law.

If within the year after the entry of judgment or the decree sought to be reversed any person shall die, the personal representative or heir, as the case may require, may, within one the appointment of the administrator, or within one year next after the death of the ancestor in the case an heir, sue out or be made a party to a writ of error, or take an appeal or made a party theret; without reviving the judgment or decree in the court

in which the same was entered. But appeals taken and write of error sued out to the Supreme Court under existing laws before this act takes effect shall not be affected by this act This act is an effort in the right direction, and seeks to obviate to some extent the law's delay in the Fed ral course, which in many respects is as glaring as in some of the State courts. The passage of this act, or a similar

one, should be urged upon Congress, and this association can aid therein, and to that extent further an object of its o ganiz tion by importaning the Tonnes os Senajors and Representatives to orge its passage. Or riainly it is a matter of too much importance to the administration of justice for the association to allow it to pass by in silence.

In the absence of any session of our Lagislature since your last meeting, to which I might call your attention, it is chaps excusable for me to suggest a few topics upon which the Lagislature next to assemble may be called upon

It is difficult to determine what may be the effect of the changes lately made in the judicial, circuit and changery divisions of the State; it is more than probable, however, that in the future as in the p st, judge of some districts, and the charcellors of some of the divisions, may have more work than they can properly attend to while others may not be sufficiently eccupied.

In such contingency there should be a power lodged somewhere to send the judges or chancellers from one circuit or division to another, as the exigencies of the situation may render

expadient. This power might be vested either in the Governor or the Ch ef Justice of the Supreme Court.

Such is the practice as to the 'd stric judges under the Federal system, and has been found to work well. the power there being vested in the Cr cuit Judge. SUPREME COURT.

Another maiter which concerns the administration of justice most seriously, and upon which I have been able to hear but one expression, is the necessity for a constitutional amendment lecating the Supreme Court permanent yat Nashville for the entire

We all know that the situs of the Supreme Court was placed in the dif-ferent sections of the State at a time when access to the court was had through the medium of horceback travel

With the railroad facilities now furnished for reaching Nashville, there is no loager any reason why the old or der of things should be maintained

It is a matter of profound asconishment that in the latter quarier of the Nineteenth Cantury the court of last resort of the great State of Tennesses, with the vest accumulation of business present before it for disposition, should be a peripaletic institution, requi ed to travel around like the circuit judges of the olden time, with its library and its timen in the hand sa chel or the saddle bags as of yore.

How can it be reasonably expected that men of middle age and of families should be required to live sround (sa ary being considered) in bearing nones, and yet be supposed to furnish the same amount of work that they would be capable of doing surrounded the comfor a of a bome and free om the mental anx etv which a osperation from family and home ne es-

sarily engenders ? To relieve the overcrowded do let of our Supreme Court, universally

citizen, and if he is not a resident or clitzen of the State in which the suit amendment might well provide for a change in the organization of our memorial, addressed to the Legislature recommendation of the State in which was prepared a change in the organization of our memorial, addressed to the Legislature

court of last resort.

We have tried several methods for the relief of this glaring evil, more or less of success, generally less, and among the various methods suggested, I regard the following as per-haps the best, its principal virtue being its economy, and an economy probably without sacrifice of efficien-

cy. It is as follows: Fartish one more judge, and have the court divided into two sections, one compo ed of three judges to hear and dispose of equity causes, and to be known as the "high court of equity," the other likewise comprised of three judges, and to dispose of law cases, including the criminal and rev enue dockets-with a provision for the reference of the business of the one court to the other, should the condi tion of the respective dockets render such reference desirable. This plan would give us substantially

two courts, with an additional expense only of the sa'ary of one judge. To meet any temporary over crowding of the dockets of your courts, and to remedy any pressing evil in the ad-min's ration of justice, there should be fewer cons itutional provisions with reference to the courts and judges. These ma ters should be left largely

to legislative regulation so that changes could be made from time to time to meet the necessities of the situation, which cannot be the case where so much of the law on the subject is reposed in the Constitution As is said in the report, that I have ferred to, "the obligation of the State to all of its people is p'ain. It is to provide a competent court to hear and lecide any qui stion of an infraction of the laws. This obligation is absolute. but when it is once sulfilled the obli

circumstances. The S ats ought not to provide for the allowance of the appeal if it can-not provide for the hearing of it. It mig tes well offer an empty cup to a man dying of thirst.

gation to give an appeal is qualified by

ABUSE OF WRIT OF INJUNCTION. There is another matter to which I would call your attantion in the line of judicial reform. I refer to the base made of the writ of injunction. that become a most ser ous gr evance. With a little logenuity on the part of the lawyer, and a little bluntness of conscience on the part of the client, an injunction can be had on almost any ground, restraining the doing of almost anything.

E pecially is the injunction oppressive and prolific of delay where it is invoked to restrain sales under tru

The act of 1873 requiring twenty notice has somehow or other rarely, to my knowledge, been en-forced in Shelby county, whatever may have been the practice in other counties, while section 4 of chancery rule 6 requiring payment of a por t on of the debt unuisputed, is tically abregated by the ingenuity of conusel in framing the allegations of the bill so as to make it app ar to go

The abuse in this regard has virtually de traved the value of real estate as a security for borrowed money. Injunctions should never be granted

ex p.rte. To guard against any exceptional cues where notice would not be practicable, our S ate courts could follow the practices of the maited States where the title is estraining order 's never made unless here appears to be danger of irrepara-

ble injury from delay.

The subject of codification, as we all know, has been provocative of very numerous, not to say perplexing disin the Union for the last decade. It is not my purp ss in the brief compass of this paper to add anything to that d scassion, but merely to say that it is a matter that will not down at our bidding. It is a question that has been learnedly discussed in able and elequent addresses at every State Bar Association to which I have had ac-We are all familiar with the CREH. careful consideration it has received at the hands of the American Bar Association at its annual meetings at Suratogs. The current legal literature of the day is replete with this discussion, which it is heped may end in bringing the country sconer or later to a correct solution of this vexed matter. It is with pleasure that I aunounce to you that in the programms arranged for this meeting a discussion of this subject, from gentlemen amply able to instruct us, is provided for.

THE REVENUE LAWS OF THE STATE will also be a matter to be discussed at this meeting. That there has been always a lamentable infirmity in to revenue laws of Tennesses, none will deny. The large amount of litigation that encumbers the courts of the State today, in matters relating to the col-lection of back taxes, is in itself sufficient to overwhelm the advocates of such a system. Though the evil be as giaring as moonday, the remedy is not so opparent. The best minds in your State, both among the lawyers and legislators, have given such thought and study to this perg Are we too sansum the discussion of this g problem n, which is on the programme of of this meeting, will blaze the path to the much needed reform in this branch of the public service? mestion es formulated by your Cental Council for discussion, relates more especially to the assessment laws of Tenness e

THE METHOD OF ASBISSMENT, however, is only one of the evils of our revenue system. The discussion could with propriety and profit take a much wider range. It should embrace the best manner and means of selling the property of delinquents, so that althe burdens of government should not fall upon the prompt taxpayer. Much could be learned by an examination of the laws of our sister States. Mississippi and Arkansas, upon In Missi sippi there is no de fense for a tax title, except proof tha the taxes for which the property was sold had in fact been paid. Every presumption is indulged in layer the title, and I am told the same i substantially the rule in Arkansas. one accustomed to the methods in Tennessee, this may seem hard and cruel, especially to the poor, find it difficult at times to pay their taxes; such, however, is not the case; on the contary, it proves a benefit this class especially, for the taxes of all being paid, it reduces the amount of tex as essed to a min mum; while under the Tennes ee method the latof taxation is greatly increased to an t cipate the large samual delinquent list. Certainly this is a fin-field with in which this association can a com-plish much g od in a practical way Though expecting a fine r por you Comm tee a Judyist Admin sto informed what mag sti ms or rec ommandations they may have in store rus. I have, thor fire, taken the liberty of exiling the attention o the association to carrain matter preparly is! within the province the terminities. The har o the

then in session, in which they recommended the calling of

A CONSTITUTIONAL CONVENTION. They also presented plans for legal reform is the matters hereinafter committee of three was apne to the Legislature at pointed present Nashville This committee were inf put themselves in cometructed munication with a committee appointed by your association at its meeting at Chattancoga, charged with the duty of securing legal reform. This memorial is so replet: with wise suggestions and carefully presented methods of much nessed relief in matters now, as then, confronting the people of this S ate that I would be glad to have the same preserved among the records of your association. Its length prevents my embodying it in this address but I have taken the liberty of submitting it as an appendix thereto, with the request that it be published with your proceedings if deemed desirable by your Committee on Publication.

THREE SAFE PROPOSITIONS. The bills referred to in this memorial were three in number, entitled as follows: "An act to change and fix the compensation of the judg s and chancellors of the State, and to repeal chapters 2 and 3 of the acts of 1879 upon the same subject." Second-A bill entitled "An act to save expenses and expedite the hearing of causes in the Supreme Court by printing the record." Third-A buller titled "An act to regulate the practice of taxing appeals, and appeals in the nature of a writ of error, and in suing out writs of error in civil cas s, and actions to the Supreme Court, and to save expenses, and to expedite the hearing of causes in that court and to repeal se tion 3160, 3177 and 3180 of the code. The first act referred to fix d the calary of the Supreme Judges at \$4503 per annum, and of Circuit Judges and Chancel ors at \$3500. As you know, this act failed of passage, but to the efforts of the Memphis har in this direction may lugely be attributed the increase of the salary of the Supreme Jadges from \$3000 to \$300, and the Circuit Judges from \$2000 to \$2500. The second ac relating to the printing of the records for the Supreme Court, wholly failed. That the printing of such ric ris business in the Supreme Cou t admits of ro depate. Its adven ages are too numerous and too palent to justfy enumeration here. It is supposed by many vel qualified to determine. that the Supreme Court ha inherently the power to order such records pristed For reasons that are abvious, I will not discuss this feature of the ques-tion; but I have a from this associa tion the broadest discu sion, as a'so the most unqualified expression of its views in relation thereto. I would r commend that the s as ding Commit-

JUDICIAL ADMINISTRATION AND REME-DIAL PROCEDURE. or some special committee be instructed to present to the ensuing Legislature the same bill and urge its sage by all honorable means. The third act provided for an assignment of errors of fact or of law, or law and fact, as the case may be, in all cases taken to the Sapreme Court. It also tary be instructed to c respond with limited the record to an h matters as the proper officers of the different pertained to such assignment of errols. It prahibited the issuance of write of error by the c'erk of the Sapreme Court, except up n the order of the Court, or of a Judge. It provided that the pleadings should not be copied at length in the transcript, unless some error of law is assigned touching the same; but on y a st dement of the nature of the complaint or action, and of the defens s relied on, and as its tite implies, it repeals 3160 of the code, which provides that appeal shall be dismiss d for failure to assign reasons for the appeal, and sections 3177 and 3180 with reference to the power of the clerk to issue writs of error. This act, as you know, wholly miscarried, the same or a similar act will doubtless be presented to the next Legislature, when and where, should it meet the approval of this association, a proper committee from your body should unite with a similar committes from the Memphis bar in u.g ng its passeg ?. The full draft of this act prepared with much elaboratiness of detail, will be found accompanying the memorial from the Memphis bar, to which I have already referred. am not advised as to what report of recommendation will be presented by vonr Committee on

LEGAL EDUCATION AND ADMISSION TO

THE BAR. The daties of this committee, as prescribed by action 7 of your by-laware "to examine and report what changes it is expedient to propose in the system and made of legal education, and of admission to the practice of the profession in the State of Tennessee." This is certainly a subject the importance of which it is difficult to overestimate. Much of the dethe legal profession in the State Tennessee may be easily traced to the imperie t method, indeed I might say the entire want of method, provided by the laws of this Slate with reference to this subject. This matter has not been overlooked by your association. At our first annual meeting, held in 1882, a very able report was pre-sented by the Committee on Legal Education, compored at that time of Abram L. Demos, John W. Burton, Robert L. Morris and Andrew Allison. And at the second annual meeting the then standing Committee on Legal Education and Admission to the Bar reported a plan for the examination of plicants for admission to the bar, with the draft of an act entitled "An

THE LAW REGULATING ADMISSION TO THE BAR. This set was carefully drawn, and embraces twelve sections. It provides for the repeal of sections 3966, 3967, 3967a and 3968 of the Thompson and Steger code, and for an appoin ment by the Supreme Court every two years of three persons learned in the from each grand division of the State, to act as a board of examiners for such division. No person to be examined except uses a certificate of a Circuit Judge or Chanceller that such persoa had regularly and attent vely studied law for two years previous thereto. Of course time will not permit me to ment on in detail the provisions of sidect, but I would commend it to the association, and refer you to page 41 of the published proceedings of our second sunual meeting. This act was approved by resolution of the assaciair sent d to the Legislature or 10. m not informed. I would recommend that unless some good reason to se contrary, or some better plan, be suggested at this meeting by the presect, that the standing committee to be puolined at this meet to be charged in connection with the surject of law ibraries, it as be allowable to say a life to be charged in connection with the surject of law ibraries, it as be allowable to say a life to be connected to the connected the connected to the connect nutanding committee on this sub-

PROBIBITION

will be discussed at this meeting or not. We know that it is a question agita'ing to no little extent a large number of the peop'e of the State. The constitutional amendment pro posed at the last Legislature, and which is to be vot at the ensuing eves the matter assembly, nec a prominen at connot be ignored. In this connect on it may not be uninat cannot be ignored. structive to invite the attention of those interested to the opinion pronounced by Judge Brewer of the United States Circu t Court, in the esse of the State of Kansas vs John Walruff, to the effect that the State passing prohibition laws must pay for the plant or property of these theretofore legally embar ed in the traffic In this instance it was said that \$50,-000 would be required to reimburse the owners for the value of the brewery. I do not mean by relative policy this decision to approve of its policy as a matter of statesmanship, its principle as a matter of law, but merely throw it out as food for thought. You are tax payers and citizens, and if your learning and investigation can sid the Legislature in avoiding an error, or striving at a correct conclusion on any contemplated legislation, it is your privilege and your duty to speak This brings me to the p ict of saving that the association of the City of New York have a standing committee, whose duty it is to

OSSERVE THE PROCEEDINGS OF THE LEGISLATURE, so far as the general law is sought to be amended or repealed, and to take such action in relation there'o as in their wisdom may be proper; it might be well for us to have some such committee appointed by this association. It is true that our committee would labor under great disadvan ages in not having the opportunity of cb a ning readily the sense of the asseciation on any pending legislation, owing to the fact of our membership heing scattered over the Sate. fact might impede, but would not destroy, the usefulness and value of such as committee. This would not be to organize a lobby, with all its attendant evils. Such a committee as is suggested would be incapable of any of the methods of the leb-Its duty would be to appear before the proper legislative committees, and address openly and face to face such arguments as their experi-ence and learning might suggest, for or against, any proposid legislation. It is as onishing what influence such a committee could wield. See what as been accomplished in the State of New York by the committee from the Bar Amediation of the City of New Y rk. It has, ress on after sessi n, preverted the passage of an act proposing the adoption of the Field code which, in their opinion, was full of

imperfations, and finally, when THE CODE was adopted by the Legislature, over their pot st, that committee, undaunted, continued its labors before the Governor, whom they induced to vety the bilt. The publi a ions of the Bar Asso is ion of the City of New York on this subject are extremely interecting, and would well repay pe rosal. And just here, let me suggest that by proper resolution your secracountry, moking to an annual exreed ngs, and to make proper provision for the care and preservation of all publications received. Much valtable information, in a small compage, could be thus placed at the disposal of the different associations. As germain to our co-operative efforts to better the condition of the profession in the State, I would call your attention to the law library owned by the Memphis ber. Before doing to, however, let me, on behalf of that acceptation, extent an invitation to each and every gentleman present to visit the rooms of the library and see for themselves what has been accomplished by the bar of this city toward organizing and maintaining a law library. In December, 1874, the a sociation was char-tered under the name of THE MEMPHIS HAR AND LAW LIBRARY

ASSCIATION. The objects of the association were declared to be to maintain the honor and dignity of the profession of law, the promotion of sec'al intercourse among its members and their im-provement; to sid and assist in the dminis ration of just ce and the founation of a permaneut law library. The enp tal of said association was fixed at \$100,000, (one hundred thousand del are) divided into charge of \$50 (fifty dala's) each, and to be allowed to organiz as soon as \$5000 (five thouand delacs) of stock was subscribed. The association was organized when 190 shares had been subscribed, amounting to \$9500. It has been in successful operation from that time to the present. It has paid out \$23,429 35 1.170 83

For salary of secretary..... 5,051 59

For incidental expenses... Making a total of \$39,101 77 In addition to the books purchased, the re have been many donated, so that the library today contains 6735 volumes, valued at \$16,940, embracing all the reports of all the States, Federal reports, and nearly all the English reports, with a full line of the best text books; while upon the tables may be found the leading law periodicals of the day. The shares of stock outs anding are 228, amounting to \$11,490, and held by rixty members, so that if the association were to go into liquidation there would be a surplus of \$13,000 to he divided among the stockholders. In addition to the ownership of stock each member contributes \$40 per aunum, payable quarterly in advance, for current expenses. I have dwelt thus at length upon the his my and condition of this association, parily because the bar of Memphis takes pardonable pride in the work it has accomplished in this direction, and cause we believe that it may serve at an incentive to other local bars in the

COUNTY LIBRARIES. Outside of the cities it might not be pos ble to form a library on so large a scale; but at every county seat I am sure that, by proper co-operation, small or imperfect libraries of the seve al lawyers could be consolidat diso as to form a turbus for a law library, the growth and ut lity of weigh would actonish its members. Such a library asso jution would naturally lead to lo al bar essociation, with its attend aut advantages. With co-operation as the control i lea of progress in all the walks of business life, is it not a little strange that the lawser, so a tute to the last to see the innumerable advantages of co-paration and apply it to the benefit of his own pr fession?

nished, or undertaken to be furnished by the State. Personally, I have had but little opportunity of becoming acquainted with this library, but I am told by those who have had occasion to examine it, that it is extremely me ager and incomplete; indeed, if half that is said of it be true, it may well be considered a disgrace to the State. The Bar Association of Tennessee should make it its business to so present the matter to the Logislature to secure additions to this ubrary, su as will meet the necessities of the pro-fession. I have had the privilege of examining the law library, furnished at the capitol by other States, younger and less able than Tenness e to meet the expenses of a State library, and have always done to with a tense of shame and mornification at the insignificant collection to be found at the capitol of my own State. We know that there is a fooli-h prejudice abroain the land against expending mone by the State in any ent rpr se that supposed to be for the tenefit of the lawyers of the State. This view, however, is an extremely weak and superficial one, and I will not permit myself to believe that co etant, earn est and persistent effort on the part of the profession will not be to remove this prejudice and solve from the Legislature a liberal provision Such a library as this State shou possess at its capitol concerns eve department of the gove nment, as every citizen of the State interested the proper administration of the go ernment, as much, if not more, that does the lawyer, personally. I won recommend, therefore, that a spec committee (or one of your stand) purpose bet'er) be charged with du y of memorializing the Legislat at its next session upon this subje And that in relation to the labora the committee, every member of t association shall make it his busin to personally interview and solicit members from their espective con to take action upon the subject we s'art into this matter with a c mination to succeed, if not with Legislature, then the next, or next, or the next, I am sure that lators will not be in vain.

DEATH OF JUDGE BAXTER.

Since our last meeting the profes has been called to mourn the dear

the Hen. Judge Baxter, Judge of Supreme Court of the Buited St

for the Sixth Judicial Circuit. departed this life on the 3d day April, 1885. Though not a membe this association, his eminence as lawyer and as a citizen renders it improper that a meetion of his and services should find place up the records of the Bar Association Tennessee. Judge Bax or was born North Carolina, in Ruberford coun on the 5th day of April, 1819, of Iri Protes and parentage. He was admited to the bar of North Carolina i 1841, engaged in a large practice his profession for one of his year After serving several terms in the large process. House of Representatives of that Stat. being Speaker of the Houss in 1850 he removed to Knoxville in 1856. He seems to have indulged in no political sspirations after his residence in ler nessee, as he held no office except the of a delegate to the Constitutions Convention of 1870. He was conspict ous and distinguished in his efforts. rehabilitate and build up the materia prosperity of his State and r-move th political disabilities of the citizen, imposed as penalties for pericipation in the civil war which burst upon the to the State. Much that is said of him during the traublesome times in East Tennessee immediately following the war would read like a romance to those of us who did not then craubsequently have the pleasure of a personal acquaintance with the man. His gigantic frame, his massive head and fire enkindled eye proclaimed him as a man of action, a man of conviction and a man of bravery and of brains. It has been said of him that he was too austere and brusque in his intercourse with the bor. To some ex-tent this criticism may be just, but it is greatly exaggerated. He was prompt to decide and slow to tolera's needless argument, and with a large accumulation of business on the dockets o the various courts over which he precided, it was necessary to the dispatch of business that he act promptly and deci ively. His large learning and extensive experience as a lawyer, with the knowledge of elementary principles, enabled him to decide questions with great promptness. If in doing so he sometimes erred, as he unquestionably did, being human, his errors were ou virtue's side. As time rolls on, and when that distance which lends enchantment to the view shall have onscured some of the more scute angles in his character, he will present a fully rounded p cture of a great lawyer, and will live in the judicial history of Tennessee, side by side with those who have rendered that history illus-

OTHER DAR ASSOCIATIONS. In conclusion it may be of interest

trious.

to the gentlemen present to know that the younger States are rapid'y wheeling into line with their State bar associations. I learn from the press the country that on the 12 h of Janu ary of this year the Kansas State Ba Association held i's first annual mee ing at Topeka. Its president is sh Chief Justice of the State Suprar Court, while the United States Circu Judge does patriotic duty in the ran by reiding a paper. The Central Journal, noticing the meeting, "The leading members of the sion, on and off the bench take hold and encourage by tion those who are less git more backward." In more th body of this kind leading mon and off the beach, selfist away and east the task of mai the organization upon their To some extent the same could be passed upon the in Tennessee. All honor the d'stinguished exception this rule who have adorned t and other meetings of Tonnesse State Bar Associati It is of the first importance that recobers of the profession general ore interest in our p occedings. T organization should assume in respons bility in regard to the vari-questions that concern the admin-

tion of justice. It is not unreason to expect that it abould exercise influence which legitionicly pt to an organization of its courages imp rtance. The conc usions read here, after proper deliberation, she be holdly asserted and stoutly in tained, in season and out of season am not unmindful of the las there is an idea prevalent in the fession that Legis'atures entage whatever emanales from the this be a fact at all, it is certain! tius to the extent popular yaup and where true at all, it may re bly be said to be bottom d to extent on the conduct of the I themselves. It may be that the ishne s of a few, the s metimes of cander of a sill smaller nu pariensl want of un and the

lerable extent hav